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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Ed Chen

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SDNY PRO SE OFFICE

Plaintiff,

2015 FEB -4 P 2:42

-V-

Trustees of Columbia University

Defendant.

COMPLAINT: JURY DEMANDED

**Allegations common to all charges:**

May 2008: Admitted Orally into MS/PhD program by Dr. Klaus Lackner. Receive contract appointing me for 4 years as long as I maintain a GPA above 3.5 and good standing with University, and subject to discussions if GPA falls below. Graduate advisor agrees to transfer 50 credits from previous masters program to the engineering program which places Chen's GPA well above threshold for the term of his grades on his transcripts. This was guaranteed for 4 years. After Chen sent his email against Fraud waste, and corruption in the government, he was systematically discriminated against by the administration, harassed, and Harassed.

**Nature of Action:** In August 2010, Chen wrote an email stating he would seek Columbia Alumni to fight fraud, graft and corruption in NYS by defeating Sheldon Silver in Chinatown by organizing Chinese people against Silver. Soon after this email, Columbia University sought ways to hide fraud, silence and intimidate Chen, and discriminate against his due process rights in contravention of section USC 1981. Thus, Chen askes for equitable tolling on his FCA and Major Fraud Retaliations. Chen pointed out 5 NYS politicians who had been defrauding tax payers at the local, state and federal level for years. All of them are now in jail. However, Chen was not able to file a timely complaint for the FCA and Major Fraud retaliation by 1 day, as the SOL on such actions expire on Jan 30<sup>th</sup> 2015. Chen requests equitable tolling of the SOL due to the fact Chen left for Hawaii to escape further persecution by the NYS and Columbia establishment as well as the near impossibility of finding an attorney to take this politically charged case. This action is being taken against the Trustees of Columbia University.

**First Cause of Action: FCA and Major Fraud Act Retaliation:**

**Announcement, Investigation and Retaliation by Administration.**

1. August 2010: Chen Sent email to alumni list that Chen owned from my college assigned account regarding how Plaintiff wanted to stop fraud and waste in the government.
2. August 2010: Chen is asked to report to deans office, and is given a formal reprimand and warning on his transcript for sending out email to alumni list

447 Washington Avenue. Township of Washington, NJ 07676.

EdChen0@gmail.com 6464004895

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which he purchased from the Columbia Alumni Association when he provided his own name to the association regarding reducing waste and fraud in the government through collective action.

3. September 2010: Chen appeals in writing pursuant to Columbia's written policy regarding disciplinary action. Chen's appeals are ignored by all individuals within the administration who were required to at the least reply to the appeal in writing. This demoralizes Chen with respect to the Columbia conflict adjudication system.
4. September 2010: Chen gets assigned to making blueprints for a high pressure pipe reactor which was not my responsibility or my advisors responsibility, and which had been getting completed for 6 months by Tim Sharobem. Instead, I have 4 weeks to complete the blueprints. Not only did Chen have to bear the deadline of his own project of a high-pressure microcartridge, as well as bearing the primary responsibility for writing the reports, he also was suddenly assigned the work of another graduate student that had remained unfinished for over a year, with only 4 weeks to complete.
5. October 2010: Chen hears from Eric Dahlgren, Graduate student, that Alissa Park my newly assigned professor, who gave me 4 weeks to complete her graduate student's project, did not certify the lab to be safe, where she assigned me. Chen overheard Park and Lackner discussing the situation and both being aware that they were violating safety codes. However, both stated these were simply formalities. Chen discusses the lab conditions in a question with Lackner. Alissa asks to see Chen every week in her office regarding the project, something Chen never had to do previously.
6. October 2010: Chen is asked to move equipment from uncertified lab to another lab upstairs.
7. November 2010: Sarah Brennan, Associate Director of the Lenfest Center at Columbia University alerts Chen in an email that he only has funding secured until August 2011, rather than the expected August 2012.
8. December 2010: Chen reports the unsafe lab conditions to the FDNY where he was initially assigned for the DOE project, and where a large number of other federal projects were being housed by Columbia, and where a number of other students who were on federal and state grants were assigned and refuse to continue working out of that lab.

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9. January 2011: FDNY inspects, thanks Chen, and gives Park and Lackner 2 weeks to shut down lab.
10. January 2011: Other Graduate student reports that Alissa is not happy that missed a meeting due to a preexisting vacation Chen had alerted others about during winter break. All emails from Alissa Park Cease.
11. January 2011: Sarah Brennan, department administrator reminds Chen he only has funding until August 2011, when he was guaranteed funding until August 2012 with respect to my original contract.
12. March 2011: Chen tells Sarah that due to intolerable conditions, he quits the project as of March 2011. She responds that many others have complained regarding Park, and that she will issue my last check. Shortly after she gives Chen the weekend to clean out his desk for other students without offering any further instruction regarding his PhD or future.
13. March 2011-September 2011: Chen helps the transition away from projects without being paid. Continues to be copied on important project emails. Columbia continues to claim all additional IP that I had developed.
14. Sept 2011: Chen is told to register by department for another Residential Unit to remain in the PhD program. Then finds out he is unsupported student, despite contract, get 24k bill.
15. Sept 2011-November 2011: Chen's file is passed around the financial aid office after he make numerous walk in visits and phone calls, until I finally receive a call from Edwin Isaac in Late November, well after the fafsa deadline.
16. December 2011: Isaac informs Chen to fill out the aid information and receives it on December 15th, 2011. He goes on vacation and does not return until January to process my aid. Shortly thereafter Chen is suspended for an infraction that does not comport with the email policy of CUIT, and was reported by an unknown administrator outside the university within NY City.
17. Jan 6th 2012, Chen is informed that his loans from to pay for the 25k charge from the previous unsupported semester will be disbursed on January 20th 2012.
18. Jan 30th 2012: Chen gets suspended with the letter of dismissal stating the reason for the harsh sanction was due to the previous sanction on Chen's record - the sanction which came from Chen stating he would pursue and

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investigate fraud and waste in the government, and a sanction that came without appeal. The stated reason was that he sent a business email that states a Columbia email return address, and constant and ubiquitous action among students in their private email usage capacities. Furthermore, Chen had been assigned his email for over 10 years by this point, since his undergraduate years, and had made regular private use of this email while he was not enrolled but still an alumnus of the Undergraduate division of the university, Columbia College.

19. February 27th: Chen is informed that he will not receive financial aid to pay his outstanding balance from the fall, which had a huge delay in processing, over 3 months by university financial aid office. This constructively prevents Chen from receiving his diploma, transcripts or any other proof of his graduation from either undergraduate or graduate divisions of the University, locking him out of academic advancement and employment.
20. March 2012 Chen talks about the old inventions with CTV that they assert they want to hold onto. And cannot relinquish, despite the fact Chen was not a supported student for a majority of the time the technology was developed, and despite the fact the research facilities they purportedly provided was not capable of supporting the gas to liquid work Chen did.
21. March 2012-May 2012 Harold Edgar has meetings with Columbia University General Counsel about unknown topics.
22. April 2012 - The university financial aid officer, Edwin Issac, informs me that fall disbursement of financial aid never came through, putting me in more debt to the university.
23. Sept 2012 Chen gets readmitted on the proviso Chen can get funding. However, with outstanding debt from previous years, and without the ability to pay the debt, it is impossible for Chen to receive a private loan without being enrolled, nor is it possible for Chen to receive Federal loans. He is constructively prevented from seeking financial aid due to the suspension.

**Second Cause of Action: Conversion**

24. December 2012: Chen learns that the IP he developed and which Columbia claimed was being infringed upon by a European Patent. Chen contacts Columbia counsel to discuss options to prosecute patent given the fact that Columbia did not receive Chen's assignment, and that they had breached the

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agreement which required Chen to assign his IP to Columbia when they ceased providing him with access to labs and when they ceased their support of him.

25. Jan 2013, Columbia Counsel states that they will claim my inventions under policy otherwise they will abandon Chen's patents which Columbia had converted to their property without Chen's written permission, having breached the IP transfer contract under which Chen was obligated to transfer his inventions, after Chen lost his financial aid, and as later dismissed from the University.
26. Columbia Technology Ventures adds to the IP, which shows they still recognize the original contract where Chen is still a supported student and his patents are assignable, and takes out an additional provisional patent on my work. This is in violation of their policy (<http://techventures.columbia.edu/files/tech/content/Columbia%20Technology%20Ventures%20-%20FAQ%20for%20students.pdf>), given that I ceased being employed by the university in a research setting officially in march 2011. Yet they claimed my IP until December 2011 through Baker Botts writing an additional provisional adding to the original patents which Chen had submitted, though they were not connected in the invention disclosure form. This is an instance of Columbia enjoining the benefits of a contract they breached.

**Third Cause of Action:Abuse of Process**

27. August 2014: Chen informs Columbia he will be pursuing claims and sent them an initial demand letter briefly stating claims. Jane booth, General Counsel of Columbia assigns Patricia Catapano. Despite raising the issue of the illegal lab use, the fraudulent submission of grant information to secure grants from the federal government, as well as personal injury claims.
28. September 2014: Patricia dodges a call scheduled for September 15th. Chen inform her that my statute of limitations for personal injury may expire October 15th and thus Chen have to file before then.
29. October 2014: Patricia purposefully does not respond to me until October 16th, and then states, the only claim she investigated was the patent claim,

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where she alleges Chen had an agreement to abandon the patent, when there was no such agreement, only an email to the effect that Chen would rather abandon the patent until Columbia provides restitution.

30. October 2014: Chen learns his outstanding debt from Columbia has been legally charged off and is sent to a debt collector, and begins receiving collection notices from Columbia debt for the first time in 3 years. As a result of this, Chen suffered additional damages to his credit, which further affected his ability to secure a job.

**Fourth Cause of Action: Section 1981 Violation**

31. Columbia explicitly denied Chen Columbia's own written procedures regarding the right of appeal for due process when disciplined by the Dean for Chen's announcement of fighting fraud against the government. The email, which was originally sent to the alumni as well as the appeal, was not proofread and read like a Chinese individual with poor grammar wrote it. Park also has a policy of employing mostly docile Asian students who do not complain. The Dean neither acknowledged Chen's appeal, which he was required to do within a defined period of time because Chen was an Asian American advocating for First Amendment rights. This denial of due process is in contravention to university policy and places Chen in his own class as well, because the written policies guaranteed to all white people at the university were not extended to protect Chen from the arbitrary and politically motivated acts of the Administration, which also does not contain a single Asian American, and the Board of trustees, which only has a single foreigner of Asian ethnicity, despite the high concentration of Asian Americans at the Engineering school and across the University. He was denied the rights all other people have. Furthermore, after this, Chen was systematically denied his rights of appeal, his contract rights, as well as his other benefits promised by the University.

**Prayer for Relief:**

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32. Equitable Tolling of SOL for FCA and Major Frauds retaliation Claims, due to the intimidation, harassment, and fraud by the NYS and Columbia University Establishment which prevented Chen from finding a lawyer willing to take his case in a timely manner, and forcing him to go Pro Se.
33. Refund Chen's Graduate School Private and Federal Loans due to failure to complete education he was promised due to retaliation in total of \$150,000 times 2, or \$300,000.
34. Award Chen a Doctor Engineering Science Degree, which Chen has written and satisfied all requirements for, but does not require Chen to complete a Dissertation, as a PhD, but still places Chen in his original position of having received a Doctorate for his research and Coursework at Columbia University.
35. Damages in the form of payment of unpaid stipend and tuition from years 2011-2012, or a total of \$60,000 in wages times 2 or \$120,000 in wages, and an additional \$200,000 for twice the amount of tuition.
36. Damages for lost opportunities in an academic institution which either can be remedied with an Engineering Science Degree, or with 25 years of differential wages which totals \$1.25 million dollars given current wage difference between Master's degree holders and Doctorates in Engineering.
37. Lost wages for 2013 and 2014, which would have been made had Chen held a doctorate.
38. Reputational Damages
39. Awarding Damages of \$500,000, the average value of a Columbia License, times 2, due to retaliation or \$1,000,000.
40. Award Punitive Damages for the outrageous actions of the Columbia Administration, from the Department level to the highest levels for damaging the reputation of an otherwise stellar student and community leader, as well as for the conversion of Chen's property, and the attempt to abuse the legal process to deprive Chen of his time limitations for filing certain claims, such as personal injury claims which arose out of his time spent in an unsafe lab, performing experiments with Gallium and Tin, both of which emit fumes.
41. Court Order to rectify the racially discriminatory situation on the Trustee and Administration of Columbia University
42. Award Attorney Fees.

447 Washington Avenue. Township of Washington, NJ 07676.  
EdChen0@gmail.com 6464004895

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Mr. Charles  
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